

Quality Assured Products, Inc. and Chicago and Central States Joint Board, Amalgamated Clothing and Textile Workers Union, AFL-CIO. Case 7-CA-29559

February 28, 1992

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS DEVANEY, OVIATT, AND
RAUDABAUGH

On February 27, 1990, the National Labor Relations Board issued a Decision and Order¹ in which it ordered the Respondent, *inter alia*, to make whole the ACTWU Insurance Fund-Detroit, Michigan (Trust Fund) for all unpaid contributions that would have been paid but for the Respondent's unlawful discontinuance of the payments and to make unit employees whole for any losses they may have incurred because of the discontinuance. On April 24, 1991, the United States Court of Appeals for the Sixth Circuit enforced the Board's Order in its entirety.² A controversy having arisen over the amount of contributions due the Trust Fund under the terms of the Board's Order, as enforced by the court, the Regional Director for Region 7, on September 16, 1991, issued a compliance specification and notice of hearing, alleging the amount of contributions due, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served copies of the specification and notice, the Respondent has failed to file an answer.

On December 9, 1991, the General Counsel filed motions to transfer case to the Board and for Default Judgment. On December 13, 1991, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motions should not be granted. The Respondent filed no response to the

Board's notice. The allegations in the motions are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Default Judgment

Section 102.56 of the Board's Rules and Regulations provides, in pertinent part, that if an answer is not filed within 21 days of the service of the specification, the Board may find the specification to be true.

The compliance specification states that the Respondent shall file an answer within 21 days from the date of the specification and that, unless it does so, all of the allegations in the specification shall be deemed to be admitted true and may be so found by the Board. By letter dated October 17, 1991, the Regional attorney for Region 7 advised the Respondent that it had not filed an answer to the compliance specification and that unless it did so by October 31, 1991, a Motion for Default Judgment would be filed with the Board.

The Respondent to date has failed to file an answer. We therefore deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Default Judgment.

Accordingly, the Board concludes that the amount due the Trust Fund is as stated in the computations in the specification, and orders the Respondent to pay that amount to the Trust Fund.

ORDER

The National Labor Relations Board orders that the Respondent, Quality Assured Products, Inc., Highland Park, Michigan, its officers, agents, successors, and assigns, shall make whole the Trust Fund by paying to it \$11,481.60, plus any additional amounts computed in the manner described in *Merryweather Optical Co.*, 240 NLRB 1213 fn. 7 (1979), accrued to the date of payment.

¹ 297 NLRB No. 137 (not reported in Board volumes).

² No. 91-5162.